Docket for 02-1624

No. 02-1624 Status: ARGUED
Vide 02-1574, 03-7
Title: Elk Grove Unified School District and David W. Gordon, Superintendent, Petitioners
v.
Michael A. Newdow, et al.
Docketed: May 9, 2003
Lower Ct: United States Court of Appeals for the Ninth Circuit
Case Nos.: (00-16423)
Decision Date: February 26, 2002
Rehearing Denied: February 28, 2003
Questions Presented

~~Date~~	~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~~~
Apr 30 2003	Petition for writ of certiorari filed. (Response due June 9, 2003)
Apr 30 2003	Appendix of Elk Grove Unified School District and David W. Gordon filed.
May 22 2003	Brief amicus curiae of United States Senate filed. VIDED.
May 30 2003	Brief amicus curiae of Bipartisan Legal Advisory Group of US House of Representatives filed. VIDED.
May 30 2003	Brief amicus curiae of American Legion filed. VIDED.
Jun 10 2003	Brief amici curiae of Idaho, et al. filed. VIDED.
Jun 17 2003	Brief amici curiae of Texas Assn. of School Boards Legal Assistance Fund, et al. filed. VIDED.
Jun 18 2003	Brief amicus curiae of Gray Davis, Governor of CA filed. VIDED
Jun 24 2003	Motion for leave to file amici brief filed by Pacific Legal Foundation, et al.
Jun 26 2003	Brief amicus curiae of Americans United for Separation of Church and State filed. VIDED.
Jun 27 2003	Brief of Michael A. Newdow in opposition filed. VIDED.
Jun 27 2003	Brief amici curiae of Dirk Kempthorne, et al. filed. VIDED
Jun 27 2003	Motion for leave to file amicus brief filed by Sandra Banning. VIDED.
Jun 30 2003	Brief amici curiae of Christian Legal Society, et al. filed. VIDED.
Jul 3 2003	Brief amicus curiae of Eagle Forum & Legal Defense Fund filed.
Jul 7 2003	Opposition of Michael Newdow to motion of Sandra Banning filed. VIDED.
Jul 7 2003	Motion for leave to file amicus brief filed by Rutherford Institute.
Jul 25 2003	Reply of petitioners Elk Grove Unified School District and David W. Gordon filed.
Sep 10 2003	DISTRIBUTED for Conference of September 29, 2003.
Sep 17 2003	Letter of Michael A. Newdow received. (Distributed)
Sep 22 2003	Letter of Solicitor General in response to respondent's letter received. (Distributed)
Sep 22 2003	Letter of counsel for Sandra Banning received. (Distributed)
Sep 25 2003	Letter from counsel for amicus curiae Americans United for Separation of Church and State received. (Distributed)
Oct 6 2003	DISTRIBUTED for Conference of October 10, 2003.
Oct 14 2003	Motion for leave to file amici brief filed by Pacific Legal Foundation, et al. GRANTED. Justice Scalia took no part in the consideration or decision of this petition.

Oct 14 2003	Motion for leave to file amicus brief filed by Rutherford Institute GRANTED. Justice Scalia took no part in the consideration or decision of this petition.
Oct 14 2003	Petition GRANTED limited to the following Questions: 1. Whether respondent has standing to challenge as unconstitutional a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance. 2. Whether a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance, which includes the words "under God," violates the Establishment Clause of the First Amendment, as applicable through the Fourteenth Amendment. The Solicitor General is invited to file a brief in this case on behalf of the United States. Justice Scalia took no part in the consideration or decision of these motions and this petition.
Oct 28 2003	Motion for representation pro se, or (in the alternative) pro hac vice filed by respondents Michael A. Newdow, et al.
Nov 6 2003	Extension of time within which to file the joint appendix and petitioners' brief on the merits to and including December 19, 2003.
Nov 14 2003	Motion for leave to participate in oral argument as amicus curiae and for additional time to present argument filed by Americans United for Separation of Church and State.
Nov 14 2003	Extension of time within which to file the government's brief on the merits to and including December 19, 2003.
Nov 19 2003	Brief amici curiae of John Cornyn, Jon Kyl, Lindsey Graham, Larry Craig, Saxby Chambliss, et al. filed.
Dec 1 2003	Motion for representation pro se, or (in the alternative) pro hac vice GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Dec 1 2003	Motion for leave to participate in oral argument as amicus curiae and for additional time to present argument DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Dec 1 2003	Motion for leave to file amici brief filed by Ron Paul, Ray Haynes, Gilbert Armijo, National Lawyers Association, et al.
Dec 11 2003	Brief amicus curiae of National Lawyers Association Foundation filed.
Dec 16 2003	Brief amicus curiae of Pacific Justice Institute filed.
Dec 17 2003	Brief amicus curiae of United States Senate filed.
Dec 17 2003	Brief amicus curiae of Rutherford Institute filed.
Dec 18 2003	Brief amici curiae of Common Good Foundation, et al. filed.
Dec 18 2003	Brief amici curiae of Grassfire.Net and Hundreds of Thousands of Americans filed.
Dec 18 2003	Brief amici curiae of Texas, et al. filed.
Dec 18 2003	Brief amici curiae of Liberty Counsel, and William J. Federer filed.
Dec 18 2003	Brief amici curiae of Pacific Research Institute and Pacific Legal Foundation filed.
Dec 18 2003	Brief amici curiae of Catholic League for Religious and Civil Rights and Thomas More Law Center filed.
Dec 18 2003	Brief amicus curiae of WallBuilders, Inc. filed.
Dec 19 2003	Brief amicus curiae of Joseph R. Grodin filed.
Dec 19 2003	Brief amici curiae of George Allen, et al. filed.
Dec 19 2003	Brief amicus curiae of Bipartisan Legal Advisory Group of the U.S. House of Representatives filed.
Dec 19 2003	Motion for leave to file amicus brief filed by Sandra Banning.
Dec 19 2003	Brief amicus curiae of National Jewish Commission on Law and Public Affairs filed.

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Dec 19 2003	Brief amicus curiae of Claremont Institute Center for Constitutional Jurisprudence filed.
Dec 19 2003	Brief amicus curiae of Knights of Columbus filed.
Dec 19 2003	Brief amicus curiae of National Education Association filed.
Dec 19 2003	Brief amici curiae of Focus on the Family, Family Research Council and Alliance Defense Fund filed.
Dec 19 2003	Brief amicus curiae of American Legion filed.
Dec 19 2003	Brief amicus curiae of Thurston Greene filed.
Dec 19 2003	Brief amicus curiae of National School Boards Association filed.
Dec 19 2003	Joint appendix filed.
Dec 19 2003	Brief of petitioners Elk Grove Unified School District and David W. Gordon filed.
Dec 19 2003	Brief of respondent United States in support filed.
Dec 19 2003	Brief amicus curiae of Center for Individual Freedom filed.
Dec 19 2003	Brief amicus curiae of Citizens United Foundation filed.
Dec 19 2003	Brief amici curiae of Dirk Kempthorne, et al. filed.
Dec 19 2003	Brief amici curiae of Institute in Basic Life Principles, Faith and Action, et al. filed.
Dec 19 2003	Brief amici curiae of Christian Legal Society, et al. filed.
Dec 19 2003	Motion for leave to file amicus brief filed by American Jewish Congress.
Dec 19 2003	Motion for leave to file amicus brief filed by American Civil Rights Union.
Dec 23 2003	Motion for divided argument filed by respondent the Solicitor General.
Dec 30 2003	Motion to add parties filed by respondent.
Jan 6 2004	Respondents' opposition to motion of Sandra L. Banning for leave to file a brief as amicus curiae.
Jan 6 2004	Letter of respondent proposing a lodging.
Jan 6 2004	Motion of Institute in Basic Life Principles, Faith and Action, et al. for leave to participate in oral argument as amici curiae and for divided argument filed.
Jan 7 2004	Extension of time within which to file respondents' brief on the merits to and including February 13, 2004.
Jan 8 2004	Motion of Pacific Justice Institute for leave to participate in oral argument as amicus curiae and for divided argument filed.
Jan 12 2004	Motion for leave to file amici brief filed by Ron Paul, Ray Haynes, Gilbert Armijo, National Lawyers Association, et al. GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Jan 12 2004	Motion for leave to file amicus brief filed by Sandra Banning GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Jan 12 2004	Motion for leave to file amicus brief filed by American Civil Rights Union GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Jan 12 2004	Motion for leave to file amicus brief filed by American Jewish Congress GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Jan 12 2004	SET FOR ARGUMENT Wednesday, March 24, 2004.
Jan 13 2004	Application (03A608) to file in excess of page limits, submitted to Justice O'Connor.
Jan 15 2004	Response of Solicitor General to respondent's motion to add parties.
Jan 21 2004	CIRCULATED.
Jan 21 2004	Application (03A608) denied by Justice O'Connor.

Jan 23 2004	Brief amicus curiae of Atheist Law Center filed. (Distributed)
Jan 26 2004	Motion to add parties DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Feb 2 2004	Record received from the U.S.C.A. for the 9th Circuit. (1 envelope)
Feb 9 2004	Record received from the U.S.D.C. for the Eastern District of California. (1 box)
Feb 10 2004	Brief amici curiae of Seattle Atheists, et al. filed. (Distributed)
Feb 11 2004	Brief amicus curiae of Freedom From Religion Foundation, Inc. filed. (Distributed)
Feb 12 2004	Brief amici curiae of Americar. Humanist Association, et al. filed. (Distributed)
Feb 12 2004	Brief amici curiae of Buddhist Temples, et al. filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Chuch of Freethought filed. (Distributed)
Feb 13 2004	Brief amici curiae of Historians and Law Scholars filed. (Distributed)
Feb 13 2004	Brief amici curiae of United Fathers of America, et al. (Distributed).
Feb 13 2004	Brief amicus curiae of Atheists for Human Rights filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Religious Scholars and Theologians filed. (Distributed)
Feb 13 2004	Brief amici curiae of Americans United for Separation of Church and State filed. (Distributed)
Feb 13 2004	Brief amici curiae of Associated Pantheist Groups filed. (Distributed)
Feb 13 2004	Brief amici curiae of Atheists and Other Freethinkers filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Secular Humanism filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Anti-Defamation League filed. (Distributed)
Feb 13 2004	Brief amicus curiae of Rob Sherman Advocacy filed. (Distributed)
Feb 13 2004	Brief amici curiae of Barbara McGraw, et al.filed. (Distributed)
Feb 13 2004	Brief amici curiae of Rev. Dr. Betty Jane Bailey, et al. filed. (Distributed)
Feb 13 2004	Brief amici curiae of Christopher L. Eisgruber and Lawrence G. Sager filed. (Distributed).
Feb 13 2004	Brief of respondent Michael A. Newdow. filed.
Feb 13 2004	Brief amicus curiae of Mister Thorne filed. (Distributed)
Feb 13 2004	Brief amicus curiae of American Atheists filed. (Distributed)
Feb 23 2004	Motion for divided argument filed by respondent GRANTED. Justice Scalia took no part in the consideration or decision of this motion.
Feb 23 2004	Motion of Pacific Justice Institute for leave to participate in oral argument as amicus curiae and for divided argument DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Feb 23 2004	Motion of Institute in Basic Life Principles, Faith and Action, et al. for leave to participate in oral argument as amicus curiae and for divided argument DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Mar 3 2004	Motion for reconsideration of the order denying their motion for leave to participate in oral argument as amici curiae and for divided argument filed by Institute in Basic Life Principles, Faith and Action, et al.
Mar 4 2004	Letter and errata attachment received from respondent and distributed.
Mar 15 2004	Reply of respondent United States filed. (Distributed)
Mar 16 2004	Reply of petitioners Elk Grove Unified School District and David W. Gordon filed. (Distributed)
Mar 19 2004	Motion for reconsideration of the order denying their motion for leave to participate in

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	oral argument as amici curiae and for divided argument. DENIED. Justice Scalia took no part in the consideration or decision of this motion.
Mar 24 2004	Argued. For petitioners: Terence J. Cassidy, Sacramento, Cal. For respondent United States, in support of petitioners: Theodore B. Olson, Solicitor General, Department of Justice, Washington, D.C. For respondent: Michael A. Newdow, Sacramento, Cal. (Arguing pro-se.)

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Certiorari Denied

October 14, 2003

Briefs not filmed